

**PUBLIC HEARING  
BOARD OF HOUSING QUALITY APPEALS  
CITY HALL McCLOSKEY CONFERENCE ROOM  
August 11, 2010  
4:00 P.M.**

I. ROLL CALL

II. REVIEW OF SUMMARY – May 12, 2010, July 14, 2010

III. NEW BUSINESS

**161-167 E. Kennedy Court**, L&M Rentals, 10-TV-73. Request an extension of time to complete repairs.

**412 W. 13<sup>th</sup> Street, Apt. W**, Ronald B. Clapp, 10-TV-74. Request an extension of time to complete repairs.

**219 E. 8<sup>th</sup> Street**, Lucy Khairy, 10-V-75. Request a modification or exception to the Housing Property Maintenance Code for a fuel fired furnace in a sleeping room.

IV. GENERAL DISCUSSION

V. PUBLIC COMMENT

VI. ADJOURNMENT



# SUMMARY

## B.H.Q.A. MEETING OF MAY 12, 2010

MEMBERS PRESENT: Kris Floyd, Elizabeth Gallman, Susie Hamilton, Nikki Johnson

STAFF PRESENT: Michael Arnold, Daniel Bixler, John Hewett, Robert Hoole, Bruce Jennings, Maria McCormick, Norman Mosier, Jo Stong (HAND), Inge Van der Cruysse (Legal)

OTHERS PRESENT: Doug Horn (Stasny & Horn), Mark Schultz (Owens Investments, LLC)

### II. REVIEW OF MINUTES

No minutes were presented.

### III. PETITIONS

**421 E. Cottage Grove Avenue, Stasny & Horn, IGP, 10-TV-29.** The petitioner, Doug Horn, was present to request an extension of time to complete repairs. The petition was scheduled for the March 2010 meeting, but was pulled prior to the hearing per staff. This resulted in the loss of a five year permit. Staff recommendation was to grant the request for an extension of time with a May 12, 2010 deadline. Gallman made a motion to grant the request per staff recommendation and to reinstate a five year permit for the property. Floyd seconded. Motion passed, 4-0. Request granted.

**2315 S. Rockport Road, Spring Lake Development, Inc., 09-TV-78.** The petitioner was not present to request an extension of time to complete repairs. This was previously heard November 18, 2009. Staff recommendation was to grant the request with a June 12, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 4-0. Request granted.

**2387 E. Winding Brook Circle, James T. Stegall, 10-TV-41.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 12, 2010 deadline. Hamilton made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 4-0. Request granted.

**1000 E. 2<sup>nd</sup> Street, Ellen Bennett, 10-TV-44.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an August 1, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 4-0. Request granted.

**921 W. Howe Street, Sandra Fowler & Alexander Scott, 10-TV-45.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 15, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 4-0. Request granted.

**2374 S. Henderson Street, Muhammad Rana, 10-TV-46.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 14, 2010 deadline. Gallman made a motion to grant the request with an August 1, 2010 deadline. Floyd seconded. Motion passed, 4-0. Request granted.

**525 N. Fess Avenue, B.B.B. Enterprises, 10-TV-48.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 30, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 4-0. Request granted.

**1610 S. Dorchester Drive, Regency Consolidated Management, L.P., 10-TV-51.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 14, 2010 deadline. Gallman made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 4-0. Request granted.

**3200 E. John Hinkle Place Unit G, Greg Purvis, 10-TV-52.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 14, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 4-0. Request granted.

**1111-1113 S. Rogers Street, Carl D. Wooton, 10-TV-54.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a November 12, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 4-0. Request granted.

**2731 N. Kinser Pike, Suzanne Schwartz, 10-TV-55.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a May 25, 2010 deadline for health/safety issues and a June 1, 2010 deadline for all other violations. Floyd made a motion to grant the request per staff recommendation. Gallman seconded. Motion passed, 4-0. Request granted.

**1113 S. High Street, Chris & Katelyn Rodgers, 10-TV-56.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a June 12, 2010 deadline. Gallman made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 4-0. Request granted.

**V. GENERAL DISCUSSION**

None.

**VI. PUBLIC COMMENT**

None.

**VII. ADJOURNMENT**

Floyd made a motion to adjourn. Hamilton seconded. Motion passed, 4-0. Meeting adjourned at 5:10 PM.

## SUMMARY

### B.H.Q.A. MEETING OF JULY 14, 2010

MEMBERS PRESENT: Sandi Cole, Kris Floyd, Susie Hamilton, Nikki Johnson, Ryan Strauser

STAFF PRESENT: Lisa Abbott, Michael Arnold, Daniel Bixler, John Hewett, Robert Hoole, Bruce Jennings, Maria McCormick, Norman Mosier, Sean Person, Jo Stong (HAND)

OTHERS PRESENT: Kelli Kern (Buckingham Companies), Dan New (Colonial Crest Apts.), Gale Ray (Colonial Crest Apts.)

#### II. REVIEW OF MINUTES

Cole made a motion to accept the March 10, 2010 minutes as recorded. Floyd seconded. Motion passed, 4-0-1 (Strauser abstained).

Hamilton made a motion to accept the May 12, 2010 minutes as recorded. Floyd seconded. Motion failed, 3-0-2 (Cole, Strauser abstained).

#### III. PETITIONS

**703 W. Gourley Pike, Gale Ray, 10-TV-68.** The petitioners, Gale Ray and Dan New, were present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a July 31, 2010 deadline for (1) all smoke detector and fire extinguisher repair/replacement, and (2) repair of the broken window in Apartment 42, and an October 14, 2010 deadline for all other violations. Floyd made a motion to grant the request per staff recommendation. Cole seconded. Motion passed, 5-0. Request granted.

**1704, 1706, 1707, 1708, 1709, 1713, 1714 and 1724 N. Lincoln Street, Buckingham Companies, LLC, 10-TV-70.** The petitioner, Kelli Kern, was present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 14, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Johnson seconded. Motion passed, 5-0. Request granted.

**809 S. Whitley Drive, Christie Vansteenwyk, 09-TV-80.** Request an extension of time to complete repairs. Previously heard November 18, 2009 and March 10, 2010. This petition has been withdrawn.

**420 N. Washington Street, Michael Mazor, 10-TV-08.** The petitioner was not present to request an extension of time to complete repairs. This was previously heard March 10, 2010. Staff recommendation was to grant the request with an August 15, 2010 deadline. Hamilton made a motion to grant the request per staff recommendation. Cole seconded. Motion passed, 5-0. Request granted.

**924 S. Dunn Street, TJR Group, LLC, 10-TV-58.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 9, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 5-0. Request granted.

**529 E. Graham Place, Parker Real Estate Management, 10-TV-59.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 9, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**584 E. Graham Place, Parker Real Estate Management, 10-TV-60.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 9, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Johnson seconded. Motion passed, 5-0. Request granted.

**119 N. Jefferson Street, Douglas D. Dixon, 10-V-61.** The petitioner was not present to request an exception to the Property Maintenance Code requiring an exhaust fan in the bathroom. Staff recommendation was to deny the request. Cole made a motion to deny the request per staff recommendation. Floyd seconded. Motion passed, 4-1 (Johnson voted nay). Request denied.

**1716 N. Lincoln Street, Jeff Olson, 10-TV-62.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a July 31, 2010 deadline. Floyd made a motion to grant the request with a September 9, 2010 deadline. Cole seconded. Motion passed, 5-0. Request granted.

**222 S. Maple Street, Norman Ladd, 10-TV-63.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an August 1, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 5-0. Request granted.

**106-108, 110-112, 113-115, 114-116 W. Pinewood Drive, Ashael Summitt, 10-TV-64.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 14, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**1728 N. Lincoln Street, Achamma Varghese, 10-TV-65.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a July 31, 2010 deadline. Floyd made a motion to grant the request with the conditions outlined in the report and with a September 9, 2010 deadline. Strauser seconded. Motion passed, 5-0. Request granted.

**514 S. Lincoln Street, Hallmark Rentals & Management, Inc., 10-TV-66.** Request an extension of time to complete repairs. This petition has been withdrawn.

**3200 E. Longview Avenue, Kingston Manor Apartments, 10-TV-67.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 13, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**719-721 W. 15<sup>th</sup> Street, Robin Kirby, 10-TV-69.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a September 14, 2010 deadline. Floyd made a motion to grant the request per staff recommendation. Cole seconded. Motion passed, 5-0. Request granted.

**1220 E. Hunter Avenue, Hallmark Rentals & Management, 10-TV-71.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with an August 10, 2010 deadline. Cole made a motion to grant the request per staff recommendation. Floyd seconded. Motion passed, 5-0. Request granted.

**2619 E. 5<sup>th</sup> Street, James Foster, 10-TV-72.** The petitioner was not present to request an extension of time to complete repairs. Staff recommendation was to grant the request with a July 28, 2010 deadline for all violations other than egress window, and a November 3, 2010 deadline for securing a variance from the state. Cole made a motion to grant the request per staff recommendation. Hamilton seconded. Motion passed, 5-0. Request granted.

**V. GENERAL DISCUSSION**

None.

**VI. PUBLIC COMMENT**

None.

**VII. ADJOURNMENT**

Cole made a motion to adjourn. Floyd seconded. Motion passed, 5-0. Meeting adjourned at 4:47 PM.



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: 11 August 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV- 073

Address: 161-167 E. Kennedy Ct.

Petitioner: L & M Rentals

Inspector: Michael Arnold

Staff Report:

10 June 2009	Cycle Inspection Schedule – No show by Mgmt
10 June 2009	Rescheduled Cycle Inspection
01 July 2009	Cycle Inspection Complete with maintenance
13 July 2009	Cycle Inspection Report mailed
16 September 2009	Sent Remaining Violations Report
01 October 2009	Complaint Filed by tenant #163
20 October 2009	Sent Complaint Report
06 November 2009	Start Legal
19 January 2010	Complaint Reinspection – No show by Mgmt
09 February 2010	Cycle and Complaint Reinspection – No show by Mgmt
26 February 2010	Cycle and Complaint Reinspection complete
03 March 2010	Sent Cycle Remaining Violations Report
07 April 2010	Cycle Reinspection Complete
12 April 2010	Sent Cycle Remaining Violations Report
16 April 2010	Scheduled reinspection for 17 June 2010
17 June 2010	Mgmt rescheduled Remaining violations inspection
21 June 2010	Scheduled Remaining violations inspection
21 June 2010	Filed for extension time for variance from Homeland Security

*Handwritten signature/initials.*

During the cycle inspection it was noted that the bedroom windows did not meet the minimum egress requirements for this structure at the time of construction. The petitioner has applied for a variance with the Department of Homeland Security. There are two outstanding violations for this property. Window requirements are as follows:

**Required:**

Height: 24 inches  
Width: 20 inches  
Sill Height: 44 inches above finished floor Sill  
Openable Area: 5.70 sq. ft. for upper level

**Existing:**

Height: 24 inches  
Width: 33 inches  
Height: 26 inches  
Openable Area: 5.5 Sq. ft. for upper level

Staff recommendation: Grant the Variance

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: 11 November 2010

Attachments: Application, Remaining Violations Report





Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Petitioner's Name:

L+M Rentals Matt Casco

Petitioner's Address & Phone Number:

8318 Ashly Ave Bloom 47401  
322-8733

Owner's Name:

Matt Casco

Owner's Address & Phone Number:

SAME

Address of Property:

161-167 Kenney Ct

Occupant(s) Name(s):

Anderson, Clark, Ellis, Wrightman

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



- A. An extension of time to complete repairs. (Petition type: TV)  
Specify the items that need the extension of time to complete  
Explain why the extension is needed  
Specify the time requested



- B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)  
Specify the code reference number you are appealing  
Detail why you are requesting the variance  
Specify the modifications and or alterations you are suggesting



- C. Relief from an administration decision. (Petition type: AA)  
Specify the decision being appealed and the relief you are seeking



- D. Rescind a variance. (Petition type: RV)  
Detail the existing variance  
Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature:

Matt Casco

Name (print):

Matt Casco

Petition Number:

10-TV-73

(Please use the reverse side for further explanation and/or request).



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

Waiting on State to  
Review and Rule on  
Request For Variance

Signature:

A handwritten signature in black ink, appearing to read "Miss A. Carr".

Date:

6-16-10

161-167 E. Kennedy Ct. BHQA Report 22 June 2010  
Remaining Violations Report

5648

OWNERS

=====

L&M RENTALS  
2201 S. OAKDALE DRIVE  
BLOOMINGTON, IN 47403

AGENT

=====

MCBRIDE, MELISSA  
2201 S. OAKDALE DRIVE  
BLOOMINGTON IN 47403

Prop. Location: 161-167 E KENNEDY CT	Number of Units/Structures: 4 / 1
Date Inspected: 07/01/2009	Number of Bedrooms: 3
Inspectors: Mike Arnold	Max # of Occupants: 4
Primary Heat Source: Gas	Foundation Type: Crawl Space
Property Zoning: RM	Attic Access: Yes
Number of Stories: 2	Accessory Structure: none

**REINSPECTION REQUIRED**

This report is your final notice from the Housing and Neighborhood Development Office that this rental property continues to be in violation of the Housing-Property Maintenance Code of Bloomington.

If you have made all of the repairs on this report, contact our office immediately to schedule the required re-inspection.

Failure to make repairs or to schedule the required re-inspection will result in this matter being referred to the City Legal Department. Legal action may be initiated against you under Section 16.12.100 of the Bloomington Municipal Code.

It is your responsibility to contact the Housing and Neighborhood Development Office to schedule the required re-inspection. Our mailing address and telephone number are listed below.

**Typical Egress Window (Applies for all sleeping rooms)**

**Required:**

Height: 24 inches  
Width: 20 inches  
Sill Height: 44 inches above finished floor  
Openable Area: 5.70 sq. ft.

**Existing:**

Height: 24 inches  
Width: 33 inches  
Sill Height: 26 inches  
Openable Area: 5.5 Sq. ft.

The egress windows do not meet the minimum code requirements for the time the structure was built (1997). For that reason, the City cannot issue a rental permit until either the windows are altered or replaced to meet the code requirement at the time of construction, or, you apply for an egress variance with the Indiana Fire and Building Safety Commission. PM-702.4

The State variance application forms are available at the *Department of Homeland Security* on the *Fire Prevention and Building Safety Commission's* web site at [www.in.gov/dhs/2375.htm](http://www.in.gov/dhs/2375.htm). Scroll down to *Downloadable Forms and Documents* and click on *Variance Application and Instructions*. If you need any further clarification, the Commission can be reached at 317.233.5341.

**Interior:**

**Unit 161:**

**Upper Level:**

**Bedroom 2:**

Replace the broken/missing outlet cover plate. PM-605.1 (East Wall).

**Required Documentation:**

Complete the enclosed registration form. A street address is required for both owner and agent. BMC16.12.060

**A completed copy of the Tenants & Owners Rights and Responsibilities Summary must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.050 (d).** Note: Not received within 60 days therefore the fine will be levied

A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040. Note: Not received within 60 days therefore the fine will be levied

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)



City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Extension of Time**

Meeting Date: August 11, 2010

Petition Type: An extension of time to complete repairs

Petition Number: 10-TV-74

Address: 412 W. 13<sup>th</sup> Street, Apt. W

Petitioner: Ronald B. Clapp

Inspector: Maria McCormick

Staff Report: On June 3, 2010 a complaint inspection was done at the request of the tenant for a leak in the ceiling of the bedroom causing mold and mildew, windows through out the apartment not opening and the dryer being vented into the house. Upon inspection it was found that there had been a leak in the roof over the bedroom, however there were no signs of mold or mildew present at the time of inspection. There was one window in the living room that would not stay completely open and the dryer is vented into the crawl space. The owner is in the process of evicting the tenants and the court has issued a vacate date of July 1, 2010. The owner is requesting an additional 60 days so that the work may be completed after the tenant move out.

Staff recommendation: Grant the extension of time.

Conditions: All repairs must be completed and re-inspected no later than the deadline stated below, or this case will be turned over to the City of Bloomington Legal Department for further action including the possibility of fines.

Compliance Deadline: August 31, 2010.

Attachments: Application for Appeal, Complaint Form, Complaint Inspection Report

*[Handwritten signature]*



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Petitioner's Name: RONALD B. CLAPP

Petitioner's Address & Phone Number: 6389 E. KERR RD.

Owner's Name: SAME

Owner's Address & Phone Number: 812-332-6782

Address of Property: 412 W. 13<sup>th</sup> apt. W

Occupant(s) Name(s): MICHAEL BASS / ALISHA ATHERTON

- The following conditions must be found in each case in order for the Board to consider the request:
1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
  2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



A. An extension of time to complete repairs. (Petition type: TV)

- Specify the items that need the extension of time to complete
- Explain why the extension is needed
- Specify the time requested



B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- Specify the code reference number you are appealing
- Detail why you are requesting the variance
- Specify the modifications and or alterations you are suggesting



C. Relief from an administration decision. (Petition type: AA)

- Specify the decision being appealed and the relief you are seeking



D. Rescind a variance. (Petition type: RV)

- Detail the existing variance
- Specify the reason the variance is no longer needed

*Hoster have been hostile. they are to be out on July 1<sup>st</sup> 70 at that time I can get in to do repairs. need 60 days*

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature: Ronald B. Clapp

Name (print): RONALD B. CLAPP

Petition Number: 10TV 74

(Please use the reverse side for further explanation and/or request).

# Request Order

Ticket Number: 68459

Source: Phone Call

Case Number:

**Location**

412 W 13TH ST

AIFA

**Citizen**

MICHAEL BASS

Home Phone: 340-8025

Work/Cell Phone:

Email:

*Michael Bass*  
*mbass55@ivytech.edu***Problem**

Department: HAND

Inv. Dept.:

Request Type: RENTAL COMPLAINT

**Comments**

Tenant complains of a leak in the ceiling above the drop ceiling. there is mildew and mold there. the windows either do not open, or will not stay open. the dryer is vented into the house. sched insp with MM on June 3, 2010 at 10:00 am.

Length of Problem

Received

Received by

06/01/2010

HEWETTJ

**Assignment**

Insp Date

Inspector

Status

mccormim

ON-GOING

LR - front (South window) open. doe  
dryer needs to be vented outside envelope of the house.  
Bedroom - determine source of the leak in the ceiling  
& eliminate it - remove all deterior.



City of Bloomington  
Housing and Neighborhood Development

JUN 04 2010

Ronald Clapp  
6389 E. Kerr Creek Road  
Bloomington, IN 47408

RE: NOTICE OF COMPLAINT INSPECTION

Dear Mr. Clapp:

On June 3, 2010, a complaint inspection was performed at 412 W. 13th Street. During the inspection violations of the Bloomington Housing Code were found.

Please correct the violations cited on the enclosed inspection report **within fourteen days** and call this office no later than June 25, 2010, to schedule the required reinspection. Our mailing address and telephone number are listed below.

This directive is issued in accordance with Section PM 106.0 of the Housing-Property Maintenance Code of Bloomington. You have the right to appeal to the Board of Housing Quality Appeals. If you need more than fourteen days to correct the violations, or if you want to appeal any violation, an appeal form has been enclosed for your convenience.

Please remember, it is your responsibility to contact the Housing and Neighborhood Development Department to schedule the required reinspection.

Sincerely,

Housing & Neighborhood Development

Encl: Inspection Report  
Appeal Form

xc: Michael Bass





**City of Bloomington  
Housing and Neighborhood Development**

**Complaint Inspection Report**

2347

**OWNERS**

CLAPP, RONALD G.  
6389 E. KERR CREEK RD.  
BLOOMINGTON, IN 47408

Prop. Location: 412 W 13TH ST  
Date Inspected: 06/03/2010  
Inspectors: Maria McCormick  
Primary Heat Source: Gas  
Property Zoning: RC  
Number of Stories: 2

**TENANT**

MICHAEL BASS  
412 W. 13<sup>TH</sup> STREET APT #W  
BLOOMINGTON, IN 47404

Number of Units/Structures: 2 / 1  
Number of Bedrooms: 3 & 2  
Max # of Occupants: 3 each  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure: None

**VARIANCE**

04/14/2004 Special exception to allow passage through a bedroom as a means of accessing other areas.

The following items are the result of a complaint inspection conducted on **06/03/2010**. It is your responsibility to repair these items and to schedule a re-inspection within fourteen (14) days of the receipt of this report. Failure to comply with this inspection report will result in this matter being turned over to the City Legal Department. If you have questions regarding this report, please contact this office at 349-3420.

Living Room:

Every window shall be capable of being easily opened and held in position by its own hardware. Properly repair the south window to stay open. PM-303.13.2

1<sup>st</sup> Floor Bedroom:

Determine the source of the leak in the ceiling and eliminate it. PM-304.4

Basement/Crawlspace:

Clothes dryer exhaust shall be exhausted to the exterior of the structure and not re-circulated to any space. Properly repair the existing system, or install a duct system that exhaust to the exterior of the structure. PM-403.3





City of Bloomington  
H.A.N.D.

**Board of Housing Quality Appeals  
Staff Report: Petition for Variance**

Meeting Date: August 11, 2010

Petition Type: A modification or exception to the Property Maintenance Code

Variance Request: To allow fuel-fired appliances to draw combustion air from a sleeping room.

Petition Number: 10-V-75

Address: 219 E. 8<sup>th</sup> Street

Petitioner: Lucy Khairy

Inspector: Robert Hoole

Staff Report: May 10, 2010      Cycle inspection report mailed  
July 1, 2010      Met with owner and HVAC contractor  
July 8, 2010      Appeal filed

During the cycle inspection it was noted that the furnace and water heater draw combustion air from the sleeping room in the basement apartment. The petitioner is seeking a variance to allow this situation to remain unchanged until modifications are made to eliminate the situation.

Staff recommendation: Grant the variance

Conditions: Single and multiple-station, hard wired **smoke and carbon monoxide** alarms shall be installed in the following locations and in accordance with following criteria: PM-102.3, PM-102.8, & PM-704.2

1. In each sleeping room
2. Outside of each sleeping area in the immediate vicinity of the bedrooms.
3. On each additional story of the dwelling, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwelling units with split levels without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.
4. The alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual unit. The alarm shall be clearly

audible in all bedrooms over background noise levels with all intervening doors closed. Radio frequency interconnection is allowable.

5. Install smoke / carbon monoxide detector(s) in an approved location. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall.
6. The required smoke / carbon monoxide alarms shall receive their primary power from the building wiring when such wiring is served from a commercial source, and when primary power is interrupted, shall receive power from a battery.
7. Wiring shall be permanent and without a disconnecting switch other than those required for overcurrent protection.
8. Smoke / carbon monoxide detection shall be maintained in manner so that it functions as intended and is in compliance with the aforementioned installation requirements.
9. Should the structure ever be determined to be in a state of non-compliance with the abovementioned conditions the variance may be rescinded at the discretion of the code official.

Compliance Deadline: October 11, 2010

Attachments: Appeal form, cycle inspection report



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Petitioner's Name:

LUCY KHAIRY

15219 CITATION ROAD

Petitioner's Address & Phone Number:

CARMEL, IN, 46032

Owner's Name:

LUCY + IBRAHIM KHAIRY

15219 CITATION ROAD

Owner's Address & Phone Number:

CARMEL, IN 46032

Address of Property:

219 E. 8TH STREET, BLOOMINGTON, IN

MAIN HOUSE UNIT: LAUREN HOLLANDSWORTH, BRENNAN HOELSADI, LENA GROTE  
ALEXANDRA MANN, KELSEY KIPER

Occupant(s) Name(s):

WALK DOWN UNIT: CHLOE MCKAY + KASEY MCKENNEY

The following conditions must be found in each case in order for the Board to consider the request:

1. That the value of the area about the property to which the exception is to apply will not be adversely affected.
2. That the exception is consistent with the intent and purpose of the housing code and promotes public health, safety, and general welfare.

Identify the variance type that you are requesting from the following list and attach the required information.



A. An extension of time to complete repairs. (Petition type: TV)

- ↳ Specify the items that need the extension of time to complete
- ↳ Explain why the extension is needed
- ↳ Specify the time requested



B. A modification or exception to the Housing Property Maintenance Code. (Petition type: V)

- ↳ Specify the code reference number you are appealing
- ↳ Detail why you are requesting the variance
- ↳ Specify the modifications and or alterations you are suggesting



C. Relief from an administration decision. (Petition type: AA)

- ↳ Specify the decision being appealed and the relief you are seeking



D. Rescind a variance. (Petition type: RV)

- ↳ Detail the existing variance
- ↳ Specify the reason the variance is no longer needed

I certify that all information submitted with this request is correct and I have enclosed the \$20.00 filing fee.

Signature:

Lucy A. Khairy

Name (print):

LUCY A. KHAIRY

10-V-75

Petition Number: \_\_\_\_\_

(Please use the reverse side for further explanation and/or request).



Application for Appeal  
To The  
Board of Housing Quality Appeals  
P.O. Box 100  
Bloomington, IN 47402  
812-349-3420

Please write a brief narrative in the space provided below. Be specific as to what you are requesting, the reason(s) or justification(s) for your request, the amount of time needed to bring the property into compliance, as well as any modifications and/or alterations you are suggesting.)

INSPECTION STATED THAT FUEL FIRED APPLIANCES, IN THIS CASE A FURNACE + HOT WATER HEATER, SHALL NOT BE LOCATED IN OR OBTAIN COMBUSTION AIR FROM SLEEPING ROOMS + THAT CONTINUED UTILIZATION OF THE SLEEPING ROOM FOR SLEEPING PURPOSES IS CONTINGENT UPON REMOVAL OF THE FUEL FIRED FURNACE FROM THIS AREA OR OBTAIN A VARIANCE TO THE CITY OF BLOOMINGTON PROPERTY MAINTENANCE CODE BY THE BOARD OF HOUSING QUALITY APPEALS - PM-603.7

WE RESPECTFULLY REQUEST A VARIANCE FROM THIS REQUIREMENT FOR THE FOLLOWING REASONS:

① FURNACE HAS BEEN LOCATED IN A SEPARATE ROOM NEXT TO THE SLEEPING ROOM AT LEAST FOR AS LONG AS WE HAVE OWNED THE PROPERTY WHICH IS FROM SEPTEMBER 1994. NUMEROUS INSPECTIONS HAVE OCCURRED OVER THE YEARS + THIS ISSUE HAS NEVER BEEN BROUGHT UP. NOT WITHSTANDING VARIOUS SOLUTIONS DISCUSSED WITH THE INSPECTOR + COMMERCIAL SERVICE OF BLOOMINGTON WHO HAS SERVED OUR MECHANICALS SINCE OUR OWNERSHIP,

② THE BEST SOLUTION IS A NEW HIGH EFFICIENCY FURNACE. RECOGNIZING THAT THE CODE MAY HAVE CHANGED TO ENHANCE SAFETY FOR TENANTS, TO WHICH WE WANT TO COMPLY WE ARE NOT SCHEDULED TO UPGRADE THE FURNACE IN THIS PROPERTY UNTIL LATE SUMMER OR FALL OF 2012 AT THE EARLIEST + LATE SUMMER OR FALL OF 2013 AT THE LATEST.

③ INSPECTOR INDICATED THAT A NEW HIGH EFFICIENCY FURNACE WOULD LIKELY MEET CODE STANDARD + WE FEEL IT WOULD BE MORE ECONOMICAL TO PURCHASE SUCH A FURNACE IN 2-3 YEARS BECAUSE WE HAVE REPLACED THE ROOF A FEW MONTHS AGO + ARE ALREADY SCHEDULED TO REPLACE ALL GUTTER ON THE PROPERTY AS WELL AS MAKE OTHER SCHEDULED REPAIRS THIS SUMMER.

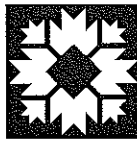
Respectfully submitted

Signature:

*Lyle R. Haring*

Date:

7/06/2010



## City of Bloomington Housing and Neighborhood Development

Cycle Report

2678

### OWNERS

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KHAIRY, LUCY  
15219 CITATION ROAD  
CARMEL, IN 46032

Prop. Location: 219-219 ½ E. 8<sup>th</sup>  
Date Inspected: 03/31/2010  
Inspectors: Robert Hoole  
Primary Heat Source: Gas  
Property Zoning: RM  
Number of Stories: 2

Number of Units/Structures: 3 / 2  
Number of Bedrooms: 1, 2 & 4  
Max # of Occupants: 2, 2 & 5  
Foundation Type: Basement  
Attic Access: No  
Accessory Structure:

### VARIANCE

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09/14/1995 Special exception to the handrail requirement for the front entry stairs with the condition that the owner and/or tenants maintain the entry in all weather conditions.

## INTERIOR

### 219 Main house

#### Entry hallway

Provide operating power to smoke detector. PM-704.1

Replace the broken receptacle on the east wall. PM-605.1

#### West living room (14 x 26)

Replace the glazing compound and repair the deteriorated sashes, south window west wall. PM-303.13

1<sup>st</sup> floor southeast bedroom (14 x 14)

**Existing Egress Window Measurements:**

**Height:** 52 inches  
**Width:** 20 inches  
**Sill Height:** 26 inches  
**Openable Area:** 7.22 sq. ft.

**Note:** These measurements are for reference only. There is no violation of the emergency egress requirements.

Kitchen (12 x 9)

No violations noted.

Enclosed back porch

No violations noted.

½ bath

Replace the missing toilet seat cover. PM-504.1

2<sup>nd</sup> floor hallway

No violations noted.

2<sup>nd</sup> floor bath

No violations noted.

2<sup>nd</sup> floor southeast bedroom (14 x 12)

**Existing Egress Window Measurements:**

**Height:** 23 inches  
**Width:** 33 inches  
**Sill Height:** 29 inches  
**Openable Area:** 5.27 sq. ft.

**Note:** These measurements are for reference only. There is no violation of the emergency egress requirements.

The Property Maintenance Code requires that locks on egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. The lock on the entry door of this room does not meet that requirement, however, the provisions of this code may not be mandatory for existing buildings or structures designated by the state or local



jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. Therefore it is not necessary to remove or modify the lock. PM-702.3, BMC 16.04.020(f)

2<sup>nd</sup> floor southwest bedroom (14 x 26)

**Existing Egress Window Measurements:**

**Height:** 23 inches  
**Width:** 33 inches  
**Sill Height:** 29 inches  
**Openable Area:** 5.27 sq. ft.

**Note:** These measurements are for reference only. There is no violation of the emergency egress requirements.

The Property Maintenance Code requires that locks on egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. The lock on the entry door of this room does not meet that requirement, however, the provisions of this code may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. Therefore it is not necessary to remove or modify the lock. PM-702.3, BMC 16.04.020(f)

2<sup>nd</sup> floor north bedroom (10 ½ x 14)

**Existing Egress Window Measurements:**

**Height:** 23 inches  
**Width:** 33 inches  
**Sill Height:** 29 inches  
**Openable Area:** 5.27 sq. ft.

**Note:** These measurements are for reference only. There is no violation of the emergency egress requirements.

The Property Maintenance Code requires that locks on egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort. The lock on the entry door of this room does not meet that requirement, however, the provisions of this code may not be mandatory for existing buildings or structures designated by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare. Therefore it is not necessary to remove or modify the lock. PM-702.3, BMC 16.04.020(f)

## **Basement unit**

### **Kitchen (7 x 12)**

No violations noted.

### **Living room (16 x 22)**

No violations noted.

### **Northwest storage room**

No violations noted.

### **Bedroom (16 x 8' 10")**

Thoroughly clean and service the furnace, inspect and test shut off valves for proper operation. Documentation from a professional HVAC contractor for this service is acceptable and encouraged. Servicing shall include a test for carbon monoxide. Acceptable levels of carbon monoxide are as follows:

Desired level:	0 parts per million (ppm)
Acceptable level in a living space:	9 ppm
Maximum concentration for flue products:	50 ppm

PM-603.1

Fuel-fired appliances shall not be located in or obtain combustion air from any of the rooms or spaces listed below. Continued Utilization of this room for sleeping purposes is contingent upon removal of the fuel fired furnace from this area or a variance to the City of Bloomington Property Maintenance Code by the Board of Housing Quality Appeals (BHQA). PM-603.7

- **Sleeping rooms**
- Bathrooms
- Toilet Rooms
- Closets used for storage of any combustibles
- Understairs

Eliminate storage of combustibles in the furnace area. PM-603.7

Provide operating power to smoke detector. PM-704.1

## **Bath**

No violations noted.

**219 ½ (House at rear of lot)**

**Living room (17 x 12)**

No violations noted.

**Kitchen (4 x 13)**

The smoke detector appears to be more than 10 years old. Replace it with a new smoke detector. If wall mounted, it shall be located between 6 and 12 inches from the ceiling. If ceiling mounted, it shall be located at least 4 inches from the wall. PM-704.1

**Bath**

No violations noted.

**West bedroom (7'4" x 8'3", 4'4" x 2'3")**

**Existing Egress Window Measurements:**

**Height: 36 inches**  
**Width: 30 inches**  
**Sill Height: 24 inches**  
**Openable Area: 7.5 sq. ft.**

**Note: These measurements are for reference only. There is no violation of the emergency egress requirements.**

**East bedroom (7'4" x 8'3", 4'4" x 2'3")**

**Existing Egress Window Measurements:**

**Height: 36 inches**  
**Width: 30 inches**  
**Sill Height: 24 inches**  
**Openable Area: 7.5 sq. ft.**

**Note: These measurements are for reference only. There is no violation of the emergency egress requirements.**

## EXTERIOR

No violations noted.

## OTHER REQUIREMENTS

### Required documentation:

A completed copy of the Tenants and Owners Rights and Responsibilities Summary must be provided to this office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC 16.12.050 (d)

### Required documentation:

The owner or his agent shall contact the tenant and arrange a joint inspection of the premises to occur within ten days of the tenant's occupancy of the rental unit. The owner or his agent and the tenant shall at that time jointly complete an inventory and damage list, and this shall be signed by all parties to the tenancy agreement. Duplicate copies of the inventory and damage list shall be retained by all parties and shall be deemed a part of the tenancy agreement. **A completed copy of the Inventory & Damage List must be provided to the office or reviewed with the inspector within 60 days of the date of the inspection or a \$25.00 fine will be levied. BMC16.12.040**

When issued, a copy of the new Rental Occupancy Permit shall be posted as required by BMC 16.12.080 (b): All rental units shall be required to have a current occupancy permit displayed in an accessible location inside the unit. The permit shall contain the name of the owner or his agent and the expiration date of the permit. BMC 16.12.080 (b)